

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tathony Mavdell Brown,

Case No. 20-CV-1086 (SRN/DTS)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

Pat Carr, et al.,

Defendants.

In an order dated May 26, 2020, this Court ordered Plaintiff Tathony Mavdell Brown “to either (1) provide a corrected Certificate of Authorized Prison Official ‘obtained from the appropriate official of each prison at which [Brown] is or was confined,’ or (2) pay this action’s filing fee.” See Order 2, ECF No. 3. The Court gave Brown 21 days—that is, until June 16, 2020—to complete either task, failing which the Court would recommend that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Brown has not provided a corrected certificate or paid this action’s filing fee. In fact, Brown has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: July 31, 2020

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).